

REMARKS

Reconsideration and withdrawal of the rejections of the claims set forth in the Official Action of September 3, 2004, are respectfully requested in view of the following remarks.

Specification

The Examiner has objected to the specification based on minor informalities. The specification has been amended accordingly.

Status of the Claims

Claims 1-37 are currently pending.

Claims 1-2, 9-12, 17-18, 22-25, 27, 28, 31, 32, 34 and 35-37 were rejected under 35 U.S.C. § 102(e).

Claims 3-8, 13-16, 19-21, 26, 29, 30 and 33 were rejected under 35 U.S.C. § 103(a).

Claims 1, 17, 22, 27, 32, 34, 35, 36 have been amended.

Claims 2 and 23 have been canceled.

Rejections under 35 U.S.C. § 102

Claims 1-2, 9-12, 21-25, 31-32, 34 and 36-37 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,741,575 to Zhang et al. ("Zhang"). Claim 1, upon which claims 2 and 9-12 depend, has been amended to clarify the inventive source of determining which receivers are to receive the broadcast. Applicants respectfully submit that the claims as amended patentably distinguish over Zhang.

Applicants' invention is directed, *inter alia*, to providing a broadcast over a communication network. Claim 1 has been amended to include receiving a request signal from the receiver to receive the broadcast. After connecting the receiver to the at least one local multicast channel, the management server routes the broadcast from the at least one global

multicast channel to the at least one local multicast channel to provide the broadcast to the receiver.

No such arrangement is disclosed in or suggested by Zhang. Zhang is directed to delivering multicast data in a cellular personal access system, and discloses allocating multicast data to individual cells by determining the cell membership in a particular multicast group.

In contrast to claim 1 of the present application, Zhang determines which receivers receive the broadcast through a membership report generated from the multicast address mapping table (*see* Zhang, 13:26-33). Members that have registered their entry with the multicast address mapping table receive the broadcast (*Id.*). Users that have not registered with the multicast address mapping table send a registration request message so that they may request service (*Id.*). The corresponding entry is then stored in the mapping table (*see* Zhang, 13: 49-51). Nothing in Zhang discloses or suggests the determination of which receivers receive the broadcast through a request signal transmitted from the receivers to a management server, as recited in amended claim 1 of the present application. In view of the complete absence of this claim limitation in Zhang, Zhang cannot anticipate or render obvious the claimed invention. Accordingly, the rejection under 35 U.S.C. § 102(e) should be withdrawn and claim 1 should be allowed.

Claims 9-12 depend from claim 1, and should be patentable for at least those reasons recited above. Thus, the rejection of claims 1-2 and 9-12 under 35 U.S.C. § 102(e) should also be withdrawn.

Claim 22, upon which claims 23-25 depend, has been amended to clarify the inventiveness of stopping a transmission of the real-time broadcast in the first subnet after

receiving a request from the receiver. Zhang discloses multicast broadcasts that are selective, such that only members of a cell can receive a broadcast (*see* Zhang, 11:50-53). Zhang also discloses releasing a multicast local identifier only after all of the members *leave* the cell group (*see* Zhang, 13:1-35). However, Zhang does not disclose or suggest stopping the real-time broadcast after receiving a *request* from the receiver, as recited in amended claim 22. In view of the complete absence of this claim limitation in Zhang, Zhang cannot anticipate or render obvious the claimed invention. Accordingly, the rejection under 35 U.S.C. § 102(e) should be withdrawn and claim 22 should be allowed.

Claims 24-25 depend from claim 22, and should be patentable for at least those reasons recited above. Thus, the rejection of claims 22-25 under 35 U.S.C. § 102(e) should also be withdrawn.

As to claim 31, the claimed invention, *inter alia*, determines the number of receivers receiving the broadcast by the response signals transmitted by the receivers. As indicated in the specification of the present application, once the receiver selects a particular channel, the receiver sends a signal to the management server. The management server then monitors the channel that is providing the broadcast that the receiver has selected, and continues to transmit the broadcast to the receiver until there is no longer a request sent from the receiver to the management server (*see* Specification, p.20). In contrast, Zhang determines the number of receivers through a membership report generated from the multicast address mapping table (*see* Zhang, 15:3-8). Members that have registered their entry with the multicast address mapping table receive the broadcast. Users that have not registered with the multicast address mapping table send a registration request message (*see* Zhang, 13:1-35). The corresponding entry is then stored in the mapping table (*see* Zhang, 13: 49-51). Zhang fails to disclose or suggest any

technique which determines the number of receivers that receive the broadcast through a response signal from the receivers, as recited in claim 31 of the present application. In view of the complete absence of this claim limitation in Zhang, Zhang cannot anticipate or render obvious the claimed invention. Accordingly, the rejection under 35 U.S.C. § 102(e) should be withdrawn and claim 31 should be allowed.

Claims 32 and 34 have been amended to correspond to a device and software arrangement, respectively, configured to facilitate a broadcast over a communications network corresponding to claim 1. The remarks relating to claim 1, set out above, are equally applicable to claims 32 and 34, and thus the rejection to claims 32 and 34 under 35 U.S.C. § 102(e) should likewise be withdrawn.

Claim 36 has been amended to clarify the software arrangement configured to facilitate and maintain a real-time broadcast to a wireless receiver on a communications network corresponding to claim 22. The remarks relating to claim 22, set out above, are equally applicable to claim 36, and thus the rejection to claim 36 under 35 U.S.C. § 102(e) should likewise be withdrawn.

Claim 37 is the software arrangement corresponding to claim 31. The remarks relating to claim 31, set out above, are equally applicable to claim 37, and thus the rejection to claim 37 under U.S.C. § 102(e) should likewise be withdrawn.

Claims 17, 18 and 35 have been rejected under 35 U.S.C. § 102(e) by U.S. Patent No. 5,892,535 to Allen et al. (“Allen”). Claim 17, upon which claim 18 depends, has been amended to clarify the inventiveness of stopping a transmission of the predefined content by transmitting a stop signal to the local server.

No such arrangement is disclosed in or suggested by Allen. Allen is directed to a configurable system for distributing media to one or more distribution networks. The system supports advertising insertions into national or local video programming through the use of a cue tone decoding process.

As to claim 17, the present application, *inter alia*, stops the transmission of predefined content by transmitting a stop signal to the local server. Allen relies on an end-of-break policy for switching from the local advertisement back to the national broadcast (*see* Allan, 33:41-64). This policy includes honoring a stop *cue tone* or a *scheduled* stop (*Id.*). If the end of the predefined content extends beyond the stop time of the break, Allen discloses switching to the national broadcast either at the end of the scheduled stop or at the end of the predefined content (*Id.*). However, nothing in Allen discloses or suggests the transmission of a *stop signal* to a local server to stop transmission of the predefined content, as recited in claim 17 of the present application. In view of the complete absence of this claim limitation in Allen, Allen cannot anticipate or render obvious the claimed invention. Accordingly, the rejection under 35 U.S.C. § 102(e) should be withdrawn and claim 17 should be allowed.

Claim 18 depends from claim 17, and should be patentable for at least those reasons recited above. Thus, the rejection of claim 18 under 35 U.S.C. § 102(e) should also be withdrawn.

Claim 35 is the software arrangement configured to facilitate a respective predefined content, and has been amended to correspond to claim 17. The remarks relating to claim 17, set out above, are equally applicable to claim 35, and thus the rejection to claim 35 under U.S.C. § 102(e) should likewise be withdrawn.

Claims 27-28 have been rejected under 35 U.S.C. § 102(e) by U.S. Patent No. 5,990,883 to Byrne et al. (“Byrne”). Claim 27 has been amended to add the limitation of the tuner presenting categorized broadcasts to a user such that the user can select the broadcast to receive.

No such arrangement is disclosed in or suggested by Byrne. Byrne discloses a system and method for selecting content from a number of physical sources. The system presents information to a user in the form of a listing, and allows the user to select a single entry. Based on the users selection, the system automatically tunes to the user’s selection.

As to claim 27, the present invention, *inter alia*, comprises a tuner presenting categorized broadcasts to a user such that the user can select the broadcast to receive. Byrne discloses presenting a listing of *content entries* for selection by the user (*see* Byrne, 5:1-2). A content entry identifies a content source and a physical source from which particular content is available (*see* Byrne, 11: 38-41). Byrne does not disclose or suggest presenting *categorized* broadcasts to the user, such as news and entertainment categories, as recited in amended claim 27. In view of the complete absence of this claim limitation in Byrne, and the fact that Byrne does not disclose or suggest each and every element of claim 27, Byrne cannot anticipate or render obvious the claimed invention. Accordingly, the rejection under 35 U.S.C. § 102(e) should be withdrawn and claim 27 should be allowed.

Claim 28 depends from claim 27, and should be patentable for at least those reasons recited above. Thus, the rejection of claim 28 under 35 U.S.C. § 102(e) should also be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 3-8, 13-16, 26 and 33 were rejected under 35 U.S.C. § 103(a) as being obvious over Zhang in view of Allen. Claims 19-21 were rejected under 35 U.S.C. § 103(a) as being obvious over Allen in view of Zhang. Claims 29-30 were rejected under 35 U.S.C. § 103(a) as being obvious over Byrne in view of Zhang.

Applicants respectfully traverse the rejections of claims 3-8, 13-16 and 33 for the reasons set forth below and request reconsideration of these claims. Claims 3-8, 13-16 and 33 were rejected under 35 U.S.C. § 103(a) as being obvious over Zhang in view of Allen. Claim 1, upon which claims 3-8, 13-16 and 33 depend, has been amended to clarify the inventive source of determining the receivers that are receiving the broadcast. Zhang does not determine which receivers receive the broadcast through a request signal transmitted from the receivers, as recited in claim 1 of the present application. Instead, Zhang determines which receivers receive the broadcast through a membership report generated from the multicast address mapping table (*see* Zhang, 15:3-8). Allen does not cure the deficiencies of Zhang. Thus, claims 3-8, 13-16 and 33 are not rendered obvious by the combination of Zhang and Allen for at least those reasons cited above in connection with claim 1, and the rejections to these claims should be withdrawn.

Applicants respectfully traverse the rejection of claim 26 for the reasons set forth below and request reconsideration of this claim. Claim 26 was rejected under 35 U.S.C. § 103(a) as being obvious over Zhang in view of Allen. Claim 22, upon which claim 26 depends, has been amended to clarify the inventiveness of stopping a transmission of the real-time broadcast in the first subnet after receiving a request from the receiver. Zhang does not disclose or suggest stopping the real-time broadcast after receiving a *request* from the receiver, as recited in amended claim 22 (*see* Zhang 15:3-8). Instead, Zhang discloses releasing a multicast local identifier only after all of the members *leave* the cell group (*see* Zhang, 13:1-35). Allen does not

cure the deficiencies of Zhang. Thus, claim 26 is not rendered obvious by the combination of Zhang and Allen for at least those reasons cited above in connection with claim 22, and the rejection to claim 26 should be withdrawn.

Applicants respectfully traverse the rejections of claims 19-21 for the reasons set forth below and request reconsideration of these claims. Claims 19-21 were rejected under 35 U.S.C. § 103(a) as being obvious over Allen in view of Zhang. Claim 17, upon which claims 19-21 depend, has been amended to clarify the inventiveness of stopping a transmission of the predefined content by transmitting a stop signal to the local server. Allen does not disclose or suggest stopping a transmission of the predefined content by transmitting a stop signal to the local server, as recited in amended claim 17. Instead, Allen discloses switching to the national broadcast either at the end of the scheduled stop or at the end of the predefined content (*see* Allan, 33:41-64). Zhang does not cure the deficiencies of Allen. Thus, claims 19-21 are not rendered obvious by the combination of Allen and Zhang for at least those reasons cited above in connection with claim 17, and the rejections to these claims should be withdrawn.

Applicants respectfully traverse the rejections of claims 29 and 30 for the reasons set forth below and request reconsideration of these claims. Claims 29 and 30 were rejected under 35 U.S.C. § 103(a) as being obvious over Byrne in view of Zhang. Claim 27, upon which claims 29 and 30 depend, has been amended to add the limitation of the tuner presenting categorized broadcasts to a user such that the user can select the broadcast to receive. Byrne does not disclose or suggest categorizing broadcasts for selection, as recited in amended claim 27. Zhang does not cure the deficiencies of Byrne. Thus, claims 29 and 30 are not rendered obvious by the combination of Byrne and Allen for at least those reasons cited above in connection with claim 27, and the rejections to these claims should be withdrawn.

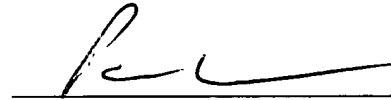
Conclusion

Based on the foregoing, Applicants submit that the present application is now in condition for allowance. A Notice of Allowance is respectfully requested. Applicant requests a one-month extension of time. A check in the amount set forth in 37 C.F.R. § 1.17(a)(1) is enclosed. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication to Deposit Account No. 02-4377.

Respectfully submitted,

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Enclosure

Amendment to the Drawings:

Figure 2 has been amended by adding the legend “Prior Art” as suggested by the Examiner. The corrected drawing is labeled as “Replacement Sheet” in the header of the drawing. The replacement sheet is attached to this amendment.